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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,010	09/30/2003	Michael L. Prelec	02-5075	7265
39820	7590	10/10/2006	EXAMINER	
EDWARD M. LIVINGSTON, PA 963 TRAIL TERRACE DRIVE NAPLES, FL 34103				LEJA, RONALD W
		ART UNIT		PAPER NUMBER
				2836

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/677,010	MICHAEL L. PRELEC	
	Examiner	Art Unit	
	Ronald W. Leja	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 September 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-40 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 29-40 is/are allowed.
 6) Claim(s) 1,2,14 and 24-28 is/are rejected.
 7) Claim(s) 3-13 and 15-23 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 30 September 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/30/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

Claims 3-40 are objected to because of the following informalities: These set of claims are replete with occurrences of “antecedent basis”-type typographical errors. For example, in dependent Claim 3, line 6, “the support-lever axle” should probably be “a support-lever axle” and in line 9, “the counter-lever connector” should be “a counter-lever connector”. Independent Claim 14, line 2, “the lightning arrester” should be “a lightning arrester” and etc.... Independent Claims 24, 29 and 35 each begin with “The switchable lightning-arrester system”, which should be “A switchable lightning-arrester system”. The remaining claim language in each of the Independent Claims and the claim language in each of their respective dependent Claims, are replete with the same type of typographical error. All Claims should be carefully reviewed for the error and corrected. Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 14 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manning (4,450,425) in view of Evans et al. (2,464,565).

Manning discloses a switchable lightning-arrester system comprising a lightning arrester (22) having a base end, a power-line end (attaches close to 15) and a link bolt (22) positioned internally within the arrester housing (21). The link bolt (22) having a ground end proximate the base end of the arrester. There is disclosed an arrester-attachment base (17,18) for receiving the base end of the lightning arrester for attaching the arrester to a power-line support. There is a safety-switchable connector

proximate the power-line end of the link bolt for open and closed switching of electrical communication from the power line (12) to the link bolt (22). The safety-switchable connector is considered to include a counter-lever safety switch having a switch platform (25) to which the terminal end of the link bolt is attached for Claim 2. Manning does not appear to disclose that the ground end of the link bolt is connected to a ground line, but rather to a transformer (13) via (14) or that the arrester has “fins”. However, Evans et al. teach a lightning arrester (5) having “fins” and being connected to ground (at 6) and to the power line by way of a power-line end (via 9); connection at (9) is also switchable via (10). It would have been obvious to incorporate the teachings of “fins” upon the arrester housing so as to help avoid water and/or ice from forming a continuous and conductive by-pass of the arrester, wherein the performance effectiveness of the arrester would be decreased. Thus, fins on the housing would increase arrester reliability. As far as the teachings of grounding the arrester, the teachings suggest that the arrester could be used in other locations, other than in electrical line with a transformer. Therefore, it would have been obvious to utilize the arrester of Manning in those protective applications wherein a transformer is not needed and thereby ground the ground-end of the arrester (22) via a ground connection. Independent Claim 14 additionally requires that the safety-switchable connector includes a slide safety switch having a slide platform. It is the opinion of the Examiner that for this claim, Manning discloses a slide safety switch having a slide platform (25) attached to the terminal end of the link bolt (22), since the connection and disconnection is performed by sliding (23) of slide platform (25) back and forth across (24). For Claims 24-28, Manning is considered to disclose a safety-switchable connector including a hinged safety switch and having a hinge rod (20)

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proximate the base end of the arrester, which are containable (for Claim 26) by bifurcation arms (19) with arcuate guides. (See Figures 1 and 2.) For Claim 27, the base end is disclosed as having an attachable hinge-rod base from which the hinge rods (20) are extended from opposite sides and for Claim 28, the hinged safety switch includes a support connector (17) extended intermediate the arrester-attachment base and the line support platform.

Claims 3-13 and 15-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 29-40 are allowable over the Prior Art of Record (** NOTE that these claims need to be corrected with respect to the claim objection, supra. ***).

The following is a Statement of Reasons for the Indication of Allowable Subject Matter: The specific added limitations found within dependent Claims 3-13 and 15-23 in combination with their respective Independent Claims are not disclosed nor suggested by the Prior Art of Record. The claimed combinations of Independent Claims 29 and 35, which include the specific limitations of the first and second connector bosses in relation to the connector plug, are not disclosed nor suggested by the Prior Art of Record

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald W. Leja whose telephone number is (571)272-2053. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)272-2800. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Ronald W. Leja
Primary Examiner
Art Unit 2836

rwl
October 1, 2006

